

REMARKS

Claims 1-28 are pending. Claims 1, 5, and 7 are independent. No new claims have been added and no claims have been canceled. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 5, 7 and 11-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Satoh et al. (U.S. Patent No. 5,914,787) in view of Tanaka et al. (U.S. Patent No. 6,845,438 B1). Applicant respectfully traverses this rejection.

Satoh et al. discloses an electronic imaging apparatus. In the apparatus, the image information of an image signal photoelectrically converted from an image incident is stored in image information storing means in a format dependent upon a type of the applied storage device (Abstract). In addition, the apparatus can transmit and/or receive image information (Column 2, lines 4-9).

Tanaka et al. discloses a memory system that uses a storage medium. More specifically Tanaka discusses providing “a method for controlling a memory system so as to prevent the delimiter of a cluster serving as a basic unit of file management on the DOS from straddling a block serving as a unit of erase, thereby providing a high-speed data writing” (Col 6, lines 37-42). Tanaka is concerned with mapping logical memory blocks to physical memory blocks as part of its file management system.

The present invention relates to a moving image recording apparatus which records photographed moving image data on a recording medium and a method of recording moving images. In addition, the present invention includes a “judgment device for judging whether a record format of said recording medium is suitable for recording said moving image data” (claim 1). The type of record format of the recording medium is *automatically* detected and if necessary, the recording medium is reformatted with the high-speed format, which is suitable for the recording of moving image data (Specification page 3, lines 11-14).

Satoh fails to teach or suggest “a judgment device for judging *whether a record format* of said recording medium *is suitable for recording moving image data*” (claim 1). The Examiner asserts Satoh describes a judgment process in columns 33 and 34; however, Satoh is merely describing an erasing process that may consist of formatting. Satoh describes a formatting operation commencing means for commencing a formatting operation for the applied storage device in response to an erase operation switch means (Column 3, lines 40-44). For example, in an erasure mode, when a formatted memory card is located, an all-data-erase state is brought about and a display is shown (Column 33, lines 64-67). After a trigger switch is depressed *by the user*, the memory card format is checked (Column 33, line 67 to Column 34 line 1). If formatting is detected, the all-data-erasing is ended by merely erasing data that has been stored in the management area (Column 33, lines 1-4 and Column 34, lines 17-18). When a non-formatted memory card is located, a memory check and management area writing are executed. Satoh only determines whether a card is formatted or is non-formatted when an erasure is

requested. No determination is made in Satoh as to suitability of a record format of the recording media for any type of data to be recorded onto the media. Therefore, Satoh does not disclose a judgment device as claimed

Similarly, Satoh fails to disclose or suggest a recording medium controller for controlling operation of said recording medium where “said recording medium controller reformatting said recording medium with a high-speed record format suitable for the record of said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data” (claim 1).

Tanaka fails to teach a recording medium controller for controlling operation of said recording medium where “said recording medium controller reformatting said recording medium with a high-speed record format suitable for the record of said moving image data when said judgment device judges that said record format is unsuitable for recording said moving image data” (claim 1). Nothing in Tanaka teaches or suggests the recording medium will be reformatted with a high-speed record format when it is determined that said record format is unsuitable for recording said moving image data (claim 1). In fact, Tanaka does not teach or suggest reformatting the recording medium at all. Tanaka does say that high-speed data writing is possible with larger cluster sizes, for example, a cluster of 8k but that is already known in the prior art. The present invention teaches reformatting the recording medium so that the recording medium is suitable for high-speed recording. Furthermore, Tanaka fails to teach any

determination “that said record format is unsuitable for recording said moving image data” (claim 1).

The Examiner asserts that Tanaka at Column 24, lines 11-33 describes the invention as claimed in claim 1. However, Tanaka at Column 24, lines 11-33 only mentions cluster size reciting that “if the cluster size is an integer times as large as the block size and if the cluster delimiter is coincident with the delimiter block size...it is possible to increase the writing speed” (Column 24, lines 11-33). Tanaka fails to disclose, teach or suggest formatting the recording medium to make high-speed writing possible. Accordingly, claim 1 is distinguishable from the combination of Satoh and Tanaka.

Therefore, the combination of Satoh in view of Tanaka fails to teach or suggest each and every limitation of claim 1. Independent claims 5 and 7 recite features similar to claim 1 and are distinguishable from the Prior Art at least for the reasons presented above with respect to claim 1. Claims 2-4, 6, and 8-28 depend from claims 1, 5 and 7, directly or indirectly. Therefore, for at least the reasons stated with respect to claims 1, 5 and 7; claims 11-28 are also distinguishable from Satoh in view of Tanaka. Applicant submits that claims 11-28 are patentable over the prior art and respectfully request that the rejection of claims 1, 5, 7 and 11-28 under § 103(a) be withdrawn.

Claims 2-4, 6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Satoh in view of Tanaka and in further view of Brown, III et al. (U.S. Patent No. 6,038,636). Applicant respectfully traverses this rejection.

Brown, III does not remedy the noted deficiencies of Satoh in view of Tanaka. Brown, III is only relied upon to teach dependent claim features. This reliance on Brown, III fails to make up for the deficiencies of Satoh in view of Tanaka discussed above with respect to independent claims 1, 5 and 7. Therefore, the asserted combination of Satoh in view of Tanaka in further view of Brown, III (assuming these references may be combined which Applicant does not admit) fails to establish *prima facie* obviousness of any pending claim.

Applicant submits that claims 2-4, 6 and 8-10 are allowable at least by their virtue of their dependency on claims 1, 5 and 7. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

All matters having been addressed in view of the foregoing, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of this application, and the immediate allowance of all pending claims.

Applicant's undersigned representative remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this matter. If any point remains an issue in which the Examiner feels would be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

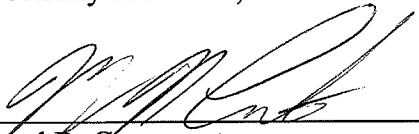
Application No. 10/625,603
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By 

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